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3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**

5 LAVERN CHARLES FASTHORSE,

6 Plaintiff,

7 v.

8 HERNANDEZ, et al.,

9 Defendants.

Case No.: 2:19-cv-00196-APG-NJK

Order

10 **I. DISCUSSION**

11 Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections
12 (“NDOC”), has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983. Docket No. 1-1.
13 Plaintiff has neither paid the full filing fee for this matter nor filed an application to proceed *in*
14 *forma pauperis*. See Docket.

15 Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an
16 application to proceed *in forma pauperis* and attach both an inmate account statement for the past
17 six months and a properly executed financial certificate. The Court will retain Plaintiff’s civil
18 rights complaint, Docket No. 1-1, but will not file it until the matter of the payment of the filing
19 fee is resolved. Plaintiff will be granted an opportunity to file an application to proceed *in forma*
20 *pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff chooses to file an
21 application to proceed *in forma pauperis* he must file a fully complete application to proceed *in*
22 *forma pauperis*.

23 **II. CONCLUSION**

24 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court SHALL SEND
25 Plaintiff the approved form application to proceed in forma pauperis by a prisoner, as well as the
26 document entitled information and instructions for filing an in forma pauperis application.

27 IT IS FURTHER ORDERED that, no later than March 6, 2019, Plaintiff shall either: (1)
28 file a fully complete application to proceed *in forma pauperis*, on the correct form with complete

1 financial attachments in compliance with 28 U.S.C. § 1915(a); or (2) pay the full \$400 fee for
2 filing a civil action (which includes the \$350 filing fee and the \$50 administrative fee).

3 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
4 dismissal of this action may result.

5 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint, Docket
6 No. 1-1, but shall not file it at this time.

7 IT IS SO ORDERED.

8 Dated: February 4, 2019.

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11 _____
12 NANCY J. KOPPE
13 UNITED STATES MAGISTRATE JUDGE
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